

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kotoku Kurachi *et al.*  
Serial No.: 10/018,392  
Filed: 12/6/01  
Entitled: NUCLEOTIDE SEQUENCES FOR GENE REGULATION AND METHODS OF USE THEREOF

Group:  
Examiner:

TRANSMITTAL

Assistant Commissioner for Patents  
Washington, D.C. 20231

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Dated: March 4, 2003

By: 

Traci E. Light

In re Application of:  
Serial No.:  
Sir or Madam:  
Entitled:

Transmitted herewith is a Response to Notice of Defective Response and a computer readable diskette.

Please charge any additional fees, including any fees necessary for extensions of time, or credit overpayment to Deposit Account No. 08-1290. An originally executed duplicate of this transmittal is enclosed for this purpose.

Dated: March 4, 2003

By: 

Peter G. Carroll  
Registration No. 32,837

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
617/252-3353

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Kurachi  
Serial No.: 10/018,392                      Group No.:  
Filed: 12/6/01                              Examiner:  
Entitled: **Nucleotide Sequences for Gene Regulation  
and Methods of use Thereof**

**RESPONSE TO NOTICE OF DEFECTIVE RESPONSE**

Assistant Commissioner for Patents  
Box Sequence  
P.O. Box 2327  
Arlington, VA 22202

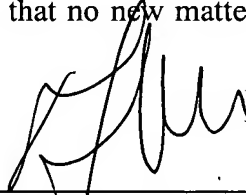
<b>CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)</b>	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Sequence, P.O. Box 2327, Arlington, VA 22202.	
Dated: <u>March 4, 2003</u>	By: <u>Traci E. Light</u> Traci E. Light

Sir or Madam:

This is responsive to the "Notification of Defective Response" mailed 2/10/03, and setting a one-month period for response which ends on March 10, 2003.

Applicants submit this substitute computer readable form to replace the damaged one filed August 16, 2002. As such, Applicants submit that no new matter has been introduced.

Dated: 3/4/03



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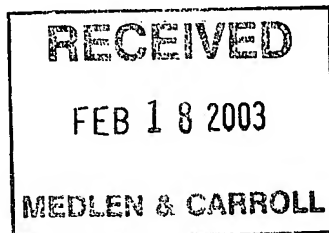


UNITED STATES PATENT AND TRADEMARK OFFICE

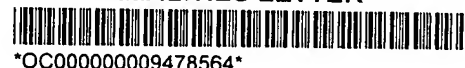
(CAM) SF

 Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/018,392	FIRST NAMED APPLICANT Kurachi	ATTY. DOCKET NO. UM-06855
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 Brown Thomas W  
 Medlen & Carroll  
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 Suite 350  
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INTERNATIONAL APPLICATION NO. PCT/US00/15728	
I.A. FILING DATE 06/06/2000	PRIORITY DATE 06/09/1999

 CONFIRMATION NO. 7886  
 371 FORMALITIES LETTER


\*OC000000009478564\*

Date Mailed: 02/10/2003

### NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination
- Small Entity Statement

Applicant's response filed 08/21/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/06/2002 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- CFR Problem Report
- APPLICANT MUST PROVIDE:
  - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

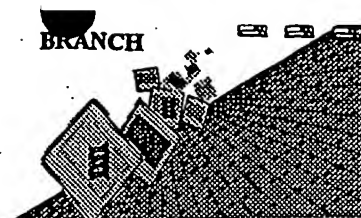
Telephone: (703) 305-3653

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/018,392	PCT/US00/15728	UM-06855

ACT10

BRANCH



UV  
5000

## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 10/018,392  
Filing Date: 12/06/2001  
Date Processed by STIC: 12/16/02

STIC Contact: Mark Spencer, 703-308-4212.

### Nature of Problem:

The CRF (was): Melted

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)  
☐ Blank (no files on CRF) (see attached)  
☐ Empty file (filename present, but no bytes in file) (see attached)  
☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.  
☐ Not saved in ASCII text  
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.  
☐ Did not contain a Sequence Listing. (see attached sample)  
☐ Other: \_\_\_\_\_

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebs/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002